

REMARKS

Filed concurrently herewith is a Request for a Two-Month Extension of Time which extends the shortened statutory period for response to May 10, 2005. Accordingly, it is respectfully submitted that Applicants' response is being timely filed.

The Official Action dated December 10, 2004 has been received and its contents carefully noted. In view thereof, claims 2, 3, 6, 7 and 16 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein and claims 1, 4, 9, 13 and 14 have been amended in order to better define that which Applicants regard as the invention. Accordingly, claims 1, 4, 5, 8-15 and 17 are presently pending in the instant application.

Initially, Applicants wish to acknowledge the Examiner's indication on page 3 of the Office Action that claims 2-7 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Further, on page 4 of the Office Action, claims 9, 10, 11, 12, 13 and 14 have been indicated as being allowable over the prior art of record if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph set forth in the Office Action and claims 8, 12, 15 and 17 have been indicated as being allowable over the prior art of record. With the foregoing amendments, it is respectfully submitted that Applicants' claimed invention is now in proper condition for allowance.

With reference now to page 2 of the Office Action, the Abstract of the Disclosure has been objected to as containing legal terms. As noted hereinabove, an amended Abstract is attached hereto for consideration by the Examiner. It is respectfully submitted that Applicants' Abstract, as amended, is now in proper formal condition for allowance.

Further on page 2 of the Office Action, claims 9, 10, 11, 12/9, 12/10, 12/11, 13 and 14 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants' regard as the invention. Particularly, the Examiner notes in claim 9, line 2, "rotational speed of the crank angle" is unclear and that the phrase "any of" as set forth in claim 13, line 1, should be deleted.

As can be seen from the foregoing amendments, claim 9 has been amended to recite "rotational speed of the crank shaft" and claim 13 has been amended to delete the phrase "any of". Accordingly, it is respectfully submitted that Applicants' claimed invention is now in proper formal condition for allowance.

Additionally on page 2 of the Office Action, claims 1 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Currie et al. in view of Beck et al. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

As can be seen from the forgoing amendments, independent claim 16 has been canceled in its entirety without prejudice nor disclaimer of the subject matter set forth therein. Accordingly, further discussion with respect to the merits of this rejection is no longer believed to be warranted.

With respect to independent claim 1, as can be seen from the foregoing amendments, independent claim 1 has been amended to recite a diesel engine control system comprising an injector for directly injecting fuel into a combustion chamber of a diesel engine having multiple cylinders, injection quantity control means for controlling fuel injection quantity by varying a period of electric current supply to the injector, estimating means for conducting

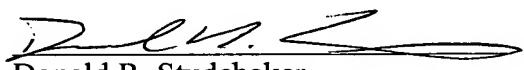
split fuel injection that divides the amount of fuel injected during each cycle into multiple injections in idling and for estimating that an electric current supply period when a prescribed combustion state is obtained is the current supply period for injecting the amount of fuel required for the stable idling speed, and a control data correcting means for correcting control data of the injection quantity controlling means based on the estimated current supply period wherein the estimating means and control data correcting means estimate the current supply period and correct the control data separately for each cylinder. As noted hereinabove, independent claim 1 now includes features from previous dependent claims 3 and 7 which are clearly neither disclosed in nor remotely suggested by the prior art of record. Accordingly, it is respectfully submitted that independent claim 1, as amended, now includes subject matter indicated as being allowable over the prior art of record by the Examiner and consequently it is respectfully submitted that independent claim 1 as well as those claims which depend therefrom are now in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1, 4, 5, 8-15 and 17 be allowed and that the application be passed to issue.

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Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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